

Service Date: May 30, 1990

FINAL ORDER NO. 5994

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	Docket No. T-9509
BOB BOYD TRUCKING, INC., Livingston, MT)		
for a Montana Intrastate Certificate)	Order No. 5994
of Public Convenience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On January 29, 1990, Bob Boyd Trucking, Inc., 417 North "M" Street, Livingston, Montana 59047, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of chemicals, Class B, between all points and places in the State of Montana. Limitations: Transportation in tank vehicles is prohibited.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public February 6, 1990. That notice said in pertinent part:

If no written protests are received by February 26, 1990, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a

hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Molerway Freight Lines, Inc., Billings, Montana; Montana Carriers, Inc., Billings, Montana; Prince, Inc., Forsyth, Montana; Americana Expressways, Inc., Great Falls, Montana; Dick Irvin, Inc., Shelby, Montana; and Suhr Transport, Great Falls, Montana.

4. The docket was noticed for public hearing on March 23, 1990, with hearing scheduled for April 25, 1990. Prior to that hearing, Applicant restrictively amended the application and the hearing was vacated.

5. All protests were subsequently withdrawn.

6. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 21st day of May, 1990, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9509, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of BOB BOYD TRUCKING, INC., Livingston, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C - Chemicals between all points and places in Montana. Limitations: 1) All loads must exceed 24,000 pounds; 2) Transportation of bulk (dry and liquid) loads is prohibited; Transportation in tank vehicles is prohibited. 3) Transportation services are limited to the accounts of VanWaters & Rogers, Inc., Helena, Montana, and Dyce Chemical, Inc., Billings, Montana; 4) Transportation services are limited to chemicals used in mining operations except for service to and from Cascade County where transportation of any chemicals is allowed.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public

Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 21st day of May, 1990, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.